

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00482/FUL	Majid Mir	4 January 2024

Address: Garages on land to the rear of 110 Dale Street, Milnrow, Rochdale, OL16 4HX

Proposal: Demolition of existing garage and construction of a new garage

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	GRANT SUBJECT TO CONDITIONS
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CHECKED AND SIGNED OFF BY: RG

DATE: 14 March 2024

SITE

The application relates to an area of land to the rear of 110 Dale Street in Milnrow. Presently on site is a garage constructed using brick, stone and cladding. Access to the garage is via the unadopted road located to rear of Dale Street and Stonefield Street.

To the north of the site is no. 108, 110 and 112 Dale Street which are set on higher ground than the applicant site. No. 108 Dale Street consists of a hair dressers on the lower ground floor and ground floor. On the first floor of 108 Dale Street is a flat. No. 110 Dale Street is a butchers. No. 112 consists of an office with flats on first and second floor. To the south of the site, and on the opposite side of the road, are residential properties. The site is positioned within the defined urban area and the Minrow District Centre – Dale Street.

PROPOSAL

The application proposes to replace the existing structure consisting of a number of adjoined garages with a new double garage structure.

The main element of the garage would measure 13m x 5.6m and would be 3.9m to eaves level and 4.8m in height to the ridge. The application proposes to also include a mono pitched projection to the rear. The rear projection would have a projection of 1.8m, ridge height of 2.8m and eaves height of 2.2m.

The proposed garage would be constructed with a white rendered finish, have grey Marley tiles on the roof, and grey roller shutters door with the mechanisms inside.

The applicant advises that the current garage has been used only for personal storage use by the owner who lives within the local area and has owned the building for circa 5 years. The applicant has advised that proposed garage would continue to be used only as personal storage with no commercial use of the building.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

P1	Improving image
P2	Protecting and enhancing character, landscape and heritage
P3	Improving Design of New Development
T2	Improving Accessibility
DM1	General Development Requirements
SD1	Delivering sustainable development

Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
G/S/1	Hierarchy and Role of Centres
S/6	District Centre, Local Centres and Linear Commercial Areas
EM/7	Development and Flood Risk
EM/8	Protection of Surface and Ground Water

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

99/D36601 Change Of Use From Shop With Self Contained Flat Above To
Hot Food Take-Away With Self Contained Flat Above.
Decision: Refuse.

CONSULTATION RESPONSES

Highways And Engineering

No objection if like for like replacement/residential use.

If intended for commercial use, proposal would increase the highways impact in both the number and size of vehicles accessing this site, especially for a B2/B8 use. Additionally, residents of Stonefield Street use the access to the rear of their properties which restricts access around the proposed development which would restrict access for larger vehicles accessing the garages.

Env Health - Noise/Odours

No comments received to date

Tree Officer

No comments received to date

Lead Local Flood Authority/Drainage

Do not consider the need for a drainage condition.

Conservation And Design

Proposed building should have a dual-pitched roof and an alternative material proposed.

Subject to satisfactory amendments, it is likely that the proposal would have a neutral impact on the significance of the non-designated heritage asset.

REPRESENTATIONS

Letters of notification were sent to surrounding neighbours and a site notice posted within the vicinity of the site. Three objections, two supporting and one neutral responses have been received. The responses have been summarised below.

- ❑ Site have been cleared of trees
Officer comments: Site does not possess any trees. Furthermore, any trees on the site previously were not protected.
- ❑ Building 5 houses on this site, not garage.
- ❑ Houses cannot be built here without Delph Street residence being consulted
- ❑ Parking concerns raised with additional parking spaces required to accommodate extra parking spaces for Delph street residents.
Officer comments: The application is for a replacement garage and not residential properties. Neighbours as per legislation have been informed and a site notice was placed in the vicinity of the site.

- ☐ The rear road at the back of Stonefield St is already heavily congested and unpassable with cars and vans parked.

Officer comments: Discussed in the highways section of the report.

- ☐ Area is not a commercial area and building 2 storey garages and storage units for commercial use will impede on my entitled enjoyment of the immediate area.

Officer comment. Discussed in the amenity section of the report. The application is for a garage to replace the existing garage. The proposal does not seek to change the use of the site.

- ☐ Concerns raised in regards to the use of the garage and impact on neighbouring properties.

The application does not seek to change the use of the site, with the existing use as a garage being retained.

- ☐ Will the owner need to reapply to use the garages for commercial purposes?

Officer comments: If the applicant/owner wishes to use the site for commercial properties, they may need to apply for planning permission. Without specific detail of a purposed use, it cannot be confirmed.

- ☐ Presently an eyesore.

- ☐ Would improve the area with proposed development.

Officer comments: Discussed in the visual amenity and heritage section of the report.

ANALYSIS

Principal of Development

The current building is likely to have been used historically as an ancillary function of the main properties on Dale Street but this appears to have been severed for some time and the building has been used as unattached storage. This application proposes replacing the existing garage with a newly constructed building that would remain in the same use.

Whilst the use is currently for personal storage it is noted that this is not in relation to an adjacent building and as such could not be considered to be ancillary to any residential property. As such the building would be a planning unit in its own right and would comprise a small scale B8 storage use, albeit in a non-commercial function, that effectively operates as an individual self-storage unit.

Given the application would replace an existing building in the urban area and remain within the same use and operation, the principal of development would be acceptable subject to the scheme's acceptability in regards to matters assessed below in this report.

Visual amenity and heritage

Policy P2 of the adopted Core Strategy states that the Council will protect the Borough's heritage by conserving, enhancing and promoting key heritage assets, both statutory and non-statutory, including consideration of their wider settings. Paragraph 209 of the NPPF adds that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated

heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Further to this, Policies DM1 and P3 of the Council's adopted Core Strategy require development proposals to adhere to high quality design and enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general. In addition, paragraph 128 of the National Planning Policy Framework (NPPF) states that development that makes efficient use of land should be supported and the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF goes on to state that planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

No. 110 and the row of terrace properties on Dale Street are depicted on the first edition OS map from 1851. The properties within the terrace, have distinctive runs of windows on the upper floors, which indicates that they were likely constructed as weavers' cottages. The buildings have undergone some unsympathetic alteration and extension, but original features remain. Given their age and vernacular construction, they meet the criteria for inclusion on the Council's list of non-designated heritage assets.

The proposal seeks to replace the existing garage. The existing garage has a dual-pitched gable roof and constructed of a mix of materials, including cladding, stone and brick. The Conservation Officer noted that the garage is likely an older structure, which has been altered over the years.

Given that the existing structure appears to have been considerably altered and added to, the Conservation Officer raised no heritage objections to its removal. However, the Conservation Officer did raise concerns about the original design proposal which included a mono pitched roof and the proposed cladding material. It is noted that multiple garages and outbuildings have been constructed to the rear of the properties on Dale Street. Many of these additions are unsympathetic to the non-designated heritage assets. Although the proposed building would be seen in this context, the proposed design and the use of materials would have been considerably different from many of the garages and outbuildings. Additionally, although there is already cladding on the existing garage, the proposal would have seen this extended throughout the garage. The proposal would have represented poor design and the proposed garage would have appeared overly industrial in appearance which would have been at odds with the more domestic appearance of the other garages and outbuildings.

Subsequently, alterations were made to the proposed design with the introduction of a dual-pitched gable roof with grey Marley tiles, white render, grey roller shutter doors with the mechanisms located internally. Although this would see a shallower pitched roof than is commonly found in the area. The amended proposal as a whole would be more in-keeping with the surrounding properties and in particular would be similar in design to the recently constructed garage on the adjoining land. Furthermore, the height of the proposed garage would be similar to the existing garage. Additionally, it is noted that it would not be as tall as the recently constructed garage on the adjoining land. It is considered that the amended proposal would have a neutral impact on the significance of the non-designated heritage asset.

Considering the potential impact on the non-designated heritage asset and the streetscene, a condition requiring samples/details of the materials of the garage to should be included with any approval.

Therefore, it is considered that the design of the proposed garage including its overall height and size would be acceptable and in accordance with policies DM1 and P3 of the adopted Rochdale Core Strategy and the NPPF.

Amenity

Paragraph 180 of the NPPF also states that Planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 135 also seeks to ensure that planning decisions create places which promote health and well-being, with a high standard of amenity for existing and future users. Policies DM1 and G9 of the adopted Rochdale Core Strategy seek to ensure that new development is compatible with surrounding land uses, both in terms of its impact upon those uses and the impact of the surrounding land uses upon the amenities of future residents / users, also requiring that development does not have impacts that lead to an unacceptable increase in air, water, noise, light or other pollution. Additionally, policy DM1 of the Core Strategy requires that proposals should not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.

Paragraph 4.1 of the Council's adopted Supplementary Planning Document 'Guidelines and Standards for Residential Development 2016 (SPD) sets out the minimum distance to be retained between residential properties in order to preserve the amenity standards for neighbouring residents.

The application proposes to construct a new garage that will have an overall height that is the same as the existing garage. However, the eaves on the proposed garage will be set at a height of 3.9m compared to the existing garage where the eaves are set to height of 3.2m. To the south of the applicant site are residential properties. It is noted that the land drops away to the rear and therefore the residential properties are set on slightly lower ground than the applicant site. The difference is not substantial enough to consider the proposed dwelling as two storey structure. It is noted that the SPD states that a distance of 14m should be retained between a principal window and any directly facing two storey elevation which does not contain a principal window to a habitable room and 10m should be retained between a principal window and any directly facing single storey elevation which does not contain a principal window to a habitable room. The proposed garage would be located approximately 15.6m to the rear elevation of the residential properties on Stonefield Terrace. The proposed garage would be located 8.3m to the rear boundary of Stonefield Terrace. When assessing against the minimum standards set out in the SPD, the proposed garage would be set further away than the minimum distance set out for two storey elevations that do not contain principal windows (14m).

Furthermore, it is noted that the neighbouring garage that was recently constructed under planning application 18/00991/FUL has height to the eaves of approximately 3.9m and an overall height of approximately 5.5m. Therefore, the proposed alterations would have a lesser impact on the amenity of the residential properties on the Stonefield Terrace than the garage on the adjoining land.

To the north, the properties on Dale Street that the proposed garage would directly face are nos. 108, 110 and 112. Due to the topography of the land, the application site is sited on lower ground than the properties on Dale Street. The ground floor of the application site is the equivalent of the basement floor level of the properties on Dale Street. Therefore the ground floor of the properties on Dale Street are set at a height equivalent to a first floor of the application site.

No. 108 has a commercial property on the ground and basement. There is flat on the first floor. In regards to no. 110, there is a butchers with no residential property on the upper floors. In regards to no. 112, there is commercial offices on ground floor and flats on the first and second floor. The residential flats that face the proposed garage are sited on the upper floors and above the ridge height. Therefore it is considered the residential properties would not be impacted by the modest increase in eaves height or the projection to the rear.

The commercial properties are located on the ground and basement floors. Commercial properties do not receive the same protection as identified in the SPD and there are no minimum distances for commercial properties. Nevertheless, in regards to the increased in eaves height, the ridge height would be the same as the existing and the increase in eaves height would not substantially increase the amenity impact on the properties to warrant a refusal. In regards to the single storey rear projection, it would be sited directly to the rear of no. 108 and 110. It is noted that there was previously a single storey structure in the same position, however, this has been partially demolished. The proposed projection would not directly face any windows. Furthermore, the windows on the basement floor and outdoor space is already substantially overshadowed by the surrounding structures.

Objections were raised in regards to the use of the proposed garage for commercial purposes. It is noted that the application proposes to continue the use as personal storage and does not intend to operate any form of commercial functions from the property. As set out earlier in this report the building has had any relationship with surrounding buildings served so that it is operating as its own planning unit. Whilst the use of this would be more akin to that of a gradate ancillary to a residential property, the lack of any such relationship means the proposed building would fall within Use Class B8 as a means of private storage. However given the nature of the use this would be effectively an individual self-storage unit and would not result in any impacts to residents' amenity. It is however considered necessary to control the use of any building to limit the scope of use within this class and to remove Permitted Development rights that could allow for the building to be converted to uses that could have a greater impact on amenity.

The proposal would not unduly impact on the amenity of neighbouring properties and therefore it is considered that the proposal would comply with policies DM1 and G9 of the adopted Rochdale Core Strategy, the Guidelines and Standards for Residential Development SPD and the National Planning Policy Framework.

Highways

With any application for new development it is important to assess the impact on highway safety and under policy T2 of the adopted Core Strategy it is established that 'In all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority, while providing reliable journey times for those travelling through'. Whilst Paragraph 115 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

Highways officers advised that they would have no objections to the proposal as long as the same use was retained and the garage would not be used for commercial purposes. As set out above the planning use class of the unit would likely fall within B8 despite being used as a single unit by a local resident. It is however possible to control the use of the unit within the use class and to prevent changes of use which could have the effect of retaining the use of the existing building as it currently operates in accordance with highways officers comments.

As such the proposal is considered acceptable in accordance with the relevant parts of adopted Rochdale Core Strategy policies T2 and DM1, the SPD and the NPPF.

Drainage

Policy G8 requires that new development does not lead to any form of increased flooding or impeded natural water and flood risk management. In this regard it is important that development includes drainage that is appropriate for the site and that utilised sustainable urban drainage solutions where ever possible. The site is not within an area at increased risk of flooding.

A small proportion of the site is located with Flood Risk Zone 2. In regards to flood risk from surface water, a small proportion of the site is located within the National Surface Water 1 in 30 years risk zone.

The supporting report concluded that the proposal would have no detectable impact on flooding. The Drainage Officer stated that as the area is highly developed with insufficient space between the properties, there is no scope for roof soakaway. Furthermore, the drainage connections would be dealt with through the Building Control process. As such the Drainage Officer considered that there was no need for a drainage condition and that the proposal would accord with policy G8 of the adopted Core Strategy, and the National Planning Policy Framework.

RECOMMENDATION

1. The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans:

Location plan. Drawing no: FO 11235833/6. Received by email on 26/11/2023

Existing and proposed roof and site plan. Drawing no: FO 11235833/5. Received by email on 26/11/2023

Proposed section. Drawing no: FO 11235833/7. Received by email on 26/11/2023

Existing layout. Drawing no: FO 11235833/1. Received by email on 26/11/2023

Existing elevations. Drawing no: FO 11235833/2. Received by email on 26/11/2023

Proposed elevations. Drawing no: FO 11235833/4. Received by email on 26/11/2023

Proposed layout. Drawing no: FO 11235833/3. Received by email on 26/11/2023

and the development shall be carried out in accordance with these drawings hereby approved.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy and the National Planning Policy Framework.

3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specifications of materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with Policy P3 of the adopted Rochdale Core Strategy and the requirements of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 or any equivalent Order following the amendment, revocation and re-enactment thereof, the premises shall only be used as an individual self-storage unit; and for no other purposes within Class B8; of the above Order.

Reason: In the interests of amenity and highway safety in compliance with policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5. Notwithstanding the provisions of Schedule 2, Parts 3 and 7 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any equivalent Order following the revocation and re-enactment thereof, no development or change of use shall take place at the property under Schedule 2 Parts 3 and 7; except with the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity and highway safety in compliance with policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.